

Message Text

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DRAFTED BY ARA/CAR:GPALAZZOLO/OES/OFA:LNSCHOWENGERDT

APPROVED BY ARA/CAR:JRBURKE

ARA/CAR:MYOHN (DRAFT)

NOAA:HBEASLEY(DRAFT)

ARA/PLC:AWILLIAMS (PHONE)

L/OES:TLEITZELL (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY NASSAU IMMEDIATE

INFO COMDT COGARD WASHDC IMMEDIATE

CMDR SEVENTH COGARD DISTRICT MIAMI IMMEDIATE

C O N F I D E N T I A L STATE 178301

E.O. 11652: GDS

TAGS: EFIS, BF

SUBJECT:SPINY LOBSTER

REF: (A) NASSAU 1171 (B) NASSAU 1181 (C) NASSAU 1191

1. EMBASSY AUTHORIZED TRANSMIT FOLLOWING RESPONSE TO
GCOB NOTE OF JULY 3:

"() (COMPLIMENTARY OPENING) CONCERNING THE EXCHANGE OF
NOTES BETWEEN THE EMBASSY AND MINISTRY COMMENCING IN MARCH
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1975, HAS THE HONOR TO REFER TO THE MINISTRY'S NOTE NO.

102 OF JULY 3, 1975, REGARDING THE BAHAMIAN SPINY LOBSTER, OTHERWISE KNOWN AS PANULIRUS ARGUS. IN THIS CONNECTION, THE EMBASSY TAKES NOTE THAT ON JULY 9, 1975, THE MINISTER OF AGRICULTURE, FISHERIES AND LOCAL GOVERNMENT OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS SIGNED AN OFFICIAL DECLARATION OF THE ADDITION OF THE BAHAMIAN SPINY LOBSTER (PANULIRUS) TO THE CONTINENTAL SHELF FISHERIES RESOURCES WHICH APPERTAIN TO THE COMMONWEALTH OF THE BAHAMAS.

(2) RESPONDING TO THE OBSERVATIONS MADE BY THE MINISTRY IN ITS NOTE OF JULY 3, WHICH PRECEDED THE DECLARATION, THE EMBASSY IS PLEASED THERE EXISTS AGREEMENT THAT DISCUSSIONS

OUGHT TO BE COMMENCED TO ASSIST IN DETERMINING WHETHER THERE IS A BASIS FOR AGREEMENT ON THE ISSUES STEMMING FROM THE DECLARATION, AND THE LEGISLATION WHICH PRECEDED IT. THE EMBASSY, HAVING INDICATED PREVIOUSLY THE DESIRE OF ITS GOVERNMENT TO OPEN DISCUSSIONS BEFORE THE COMMENCEMENT OF THE 1975-76 FISHING SEASON, SUGGESTS THAT THOSE DISCUSSIONS BEGIN IMMEDIATELY, SPECIFICALLY ON AUGUST 5. IN THIS CONNECTION, BASED ON DISCUSSIONS OF JULY 3 AND 23 BETWEEN THE AMBASSADOR AND THE PRIME MINISTER AND THE DISCUSSION OF JULY 24 BETWEEN THE AMBASSADOR AND THE MINISTER OF EXTERNAL AFFAIRS, THE UNITED STATES GOVERNMENT WISHES TO CONFIRM ITS UNDERSTANDING THAT THE COMMONWEALTH OF THE BAHAMAS ACT TO AMEND THE FISHERIES ACT, 1969; CONTAINS

SPECIFIC CONDITIONS WHICH WOULD PERTAIN TO A POSSIBLE BILATERAL AGREEMENT DEALING WITH FISHING COVERED BY THAT ACT, INCLUDING THE MATTER OF RECIPROCITY AND THE NATIONALITY OF THE CITIZENS COVERED BY SUCH A BILATERAL AGREEMENT. WITHOUT PREJUDICE TO THE POSITION ADOPTED BY THE UNITED

STATES ON THESE OR OTHER ISSUES, THE UNITED STATES GOVERNMENT AGREES ENTIRELY THAT THESE TWO MATTERS CONTAINED IN

BAHAMIAN LAW MUST BE INCLUDED IN ANY NEGOTIATIONS ON A BILATERAL AGREEMENT. FURTHER, CONSISTENT WITH THE PRIME MINISTER'S DISCUSSION WITH THE AMBASSADOR OF JULY 3, CONFIDENTIAL

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THE EMBASSY UNDERSTANDS THAT THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS AT PRESENT HAS UNDER REVIEW PRINCIPLES WHICH IT WILL WISH TO ADVANCE AS A PART OF THE DISCUSSIONS BETWEEN OUR TWO GOVERNMENTS.

(3) THE MINISTRY EXPRESSED ITS CONCERN OVER THE LIKELIHOOD OF PROBLEMS THAT MIGHT ARISE WITH U.S. FISHING VESSELS AS A RESULT OF THE ENFORCEMENT OF THE LEGISLA-

TION AFTER AUGUST 1. AS IT HAS PREVIOUSLY STATED, THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHARES A CONCERN OVER THE PROSPECT OF CONFRONTATION SITUATIONS AND BELIEVES THAT BOTH GOVERNMENTS SHOULD TAKE STEPS TO PRECLUDE SUCH SITUATIONS FROM DEVELOPING. FOR ITS PART, THE UNITED STATES GOVERNMENT HAS TAKEN STEPS TO INFORM ITS FISHERMEN OF THE IMPLICATION OF THE BAHAMIAN LAWS FOR THEIR ACTIVITIES AS INDICATED IN THE ATTACHED NOTICE ISSUED BY THE U.S. COAST GUARD. THE EMBASSY NOTES THAT BAHAMAIAN LAW ENFORCEMENT OFFICERS WILL ACT WITH DISCRETION DURING A SHORT PERIOD BEFORE ENFORCING THE LAW TO THE FULLEST EXTENT TO ALLOW FISHERMEN OPERATING IN THE AREA TO BECOME FAMILIAR WITH IT. FURTHER IN THIS CONNECTION, THE UNITED STATES GOVERNMENT WOULD LIKE TO

REITERATE THE PROPOSAL PREVIOUSLY ADVANCED ORALLY BY ITS AMBASSADOR THAT THE GCOB URGENTLY CONSIDER THE APPLICATION OF A MORATORIUM IN THE ENFORCEMENT OF THE RELEVANT LAWS PENDING THE COMPLETION OF THE AFOREMENTIONED NEGOTIATIONS.

(4) THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAS TAKEN NOTE THAT THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS DOES NOT FORESEE ANY DIFFICULTIES ON THE QUESTION OF THE DELIMITATION OF JURISDICTION BETWEEN OUR TWO GOVERNMENTS WITH RESPECT TO THE AREAS OF THE CONTINENTAL SHELF OF THE COMMONWEALTH OF THE BAHAMAS FREQUENTED BY THE SPINY LOBSTER AND OFF WHICH SUCH LOBSTER ARE CAUGHT. THE EMBASSY HAS BEEN INSTRUCTED TO ADVISE THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA FEELS THAT WITH RESPECT TO OUR RECENT EXCHANGES AND THE PROSPECT OF DISCUSSIONS ON THE IMPLICATIONS OF BAHAMIAN FISHERIES LAWS, THERE IS NO PROBLEM OF GEOGRAPHIC DELIMITATION OF OUR CONFIDENTIAL

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RESPECTIVE CONTINENTAL SHELVES.

(5) (COMPLIMENTARY CLOSE) UNQUOTE.

2. COINCIDENT WITH DELIVERY OF NOTE (OR AT AMBASSADOR'S DISCRETION), AMBASSADOR IS AUTHORIZED TO GIVE VERBAL ASSURANCES TO PINDLING (OR OTHER APPROPRIATE GCOB OFFICIAL) THAT THE USG HAS NO INTENTION OF CHALLENGING RECENT GCOB

LEGISLATION ON SPINY LOBSTER AND WOULD EXPECT TO INCORPORATE EXPLICIT RECOGNITION OF BAHAMIAN JURISDICTION AS PART OF AN AGREEMENT REACHED BETWEEN THE TWO COUNTRIES.

FYI: FOR DOMESTIC POLITICAL REASONS, WE WOULD PREFER NOT TO MAKE THIS ASSURANCE PUBLIC AT PRESENT TIME. WE MUST,

AT THIS TIME, AVOID ANY SUGGESTION THAT THIS ASSURANCE
CONSTITUTES A COMMITMENT BY USG TO TAKE ACTION AGAINST
U.S. FISHING BOATS VIOLATING BAHAMIAN LAW, SINCE WE LACK
CLEAR AUTHORITY TO DO SO. FYI END. INGERSOLL

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